

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6210

BILL NUMBER: SB 61

NOTE PREPARED: Dec 12, 2014

BILL AMENDED:

SUBJECT: Permanent Disability Sentencing Enhancement.

FIRST AUTHOR: Sen. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines "permanent disabling harm" and permits imposition of a nonsuspendible sentencing enhancement of 5 to 10 years if the state proves that a person committed a felony that caused a person to suffer permanent disabling harm.

Effective Date: July 1, 2015.

Explanation of State Expenditures: Depending on the outcome of these trials, an offender convicted under this penalty may remain in a state facility for an additional 5 to 10 years. The number of offenders that this bill could affect is unknown because information on victims of crimes is generally not available in a published report.

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

This bill could apply to at least 30 applicable felonies where serious bodily injury was involved.

The penalties for the following offenses can be enhanced if the offense causes serious bodily injury. The effect that this bill could have on the Department of Correction (DOC) population is not known.

Level	Description
Class A Misdemeanor	IC 9-24-11-8 Intentionally Failing to Take Prescribed Medication and Causing Accident
	IC 35-46-1-4.1 Reckless Supervision
Level 1	IC 35-42-4-3 Child Molesting,
	IC 35-42-4-9 Sexual Misconduct with a Minor
Level 2	IC 35-43-1-1 Arson
	IC 35-43-2-1 Burglary
	IC 35-47-12-1 Terrorism
	IC 35-48-4-1.1 Manufacturing Meth Resulting in an Explosion
Level 3	IC 35-42-3-2 Kidnapping
	IC 35-42-3-3 Criminal Confinement
	IC 35-42-4-5 Vicarious Sexual Gratification
	IC 35-42-5-1 Robbery
	IC 35-44.1-3-2 Disarming a Law Enforcement Officer
	IC 35-46-1-4 Neglect of a Dependent
Level 4	IC 35-42-2-5 Overpass Mischief
	IC 35-42-3-4 Interference with Custody
	IC 35-45-8-3 Consumer Product Tampering
	IC 35-45-21-5 Interference with Medical Services
	IC 35-47-12-3 Terroristic Mischief
Level 5	IC 35-42-1-4 Involuntary Manslaughter
	IC 35-43-1-2.3 Railroad Mischief
	IC 35-44.1-3-1 Resisting Law Enforcement
Level 6	IC 9-26-1-1.1 Leaving the Scene of an Accident
	IC 9-30-5-4 OWI Causing Serious Bodily Injury
	IC 35-42-2-1 Various Forms of Battery
	IC 35-42-2-2 Criminal Recklessness
	IC 35-42-2-2.5 Hazing
	IC 35-44.1-2-13 Obstruction of Traffic
	IC 35-46-9-6 Operates a Motorboat While Intoxicated

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could result in added costs to a county if a jury trial occurs. If a jury convicts a person of an offense involving permanent disabling harm, the jury would be required to reconvene to determine whether the convicted person should receive an additional 5- to 10-year prison sentence. The prosecuting attorney must prove beyond a reasonable doubt that the felony resulted in permanent and disabling harm to another person and the convicted person's knowing and intentional act caused the permanent disabling harm.

In criminal trials, the jury is composed of 12 members for crimes involving murder and Levels 1 through 5 felonies. For each day that the jury meets to decide the case, the county could pay the members \$480.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; Prosecuting attorneys.

Information Sources: Indiana Code.

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